IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

WRIT PETITION NO. 5436 OF 2005 .

Vithal Hari Malve ... Petitioner.
V/s.
Shaikh Bashir Ahmed & anr. ... Respondents.

Shri R.V. Pavaskar i/b S.M.Gorwadkar for the petitioner.

Shri R.M. Haridas for the respondents.

CORAM : V.C.DAGA, J.

DATED : 22.12.2005.

P.C. :

. Heard learned Counsel for the petitioner.

2. Petitioner has suffered concurrent findings of fact. No case is made to interfere with the impugned order. By no stretch of imagination, the order can be said to be said to be a reasonable and possible view. Petition is devoid of any substance and the same is accordingly dismissed in limine with no order as to costs.

3. At this stage, learned Counsel appearing for the petitioner sought one year's time to vacate the suit premises. Learned Counsel for the respondents has no objection for grant of such time, subject to filing usual undertaking in this Court within 4 weeks from today. Accordingly, petitioner is granted one year's time to vacate the suit premises

subject to filing undertaking in this Court within 4 weeks from today, to the effect that he shall vacate the suit premises after expiry of one year that he shall continue to pay agreed rent on or before 5th of every month during his stay, by way of occupation charges and that he shall not create any third party interest in respect of the suit premises. Failure on the part of the petitioner to file undertaking within the time prescribed, decree holder shall be at liberty to execute the decree in accordance with law.